

Message Text

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ACTION EUR-12

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INRE-00 CU-02 BIB-01 CIAE-00 PM-03 INR-07 L-03

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FM USMISSION NATO

TO SECSTATE WASHDC IMMEDIATE 2413

INFO USMISSION GENEVA PRIORITY

C O N F I D E N T I A L SECTION 1 OF 3 USNATO 3401

GENEVA FOR USDEL CSCE

E.O. 11652: GDS

TAGS: PFOR NATO CSCE

SUBJECT: CSCE: PUBLIC OPINION

REF: A. USNATO 3377

B. STATE 147825

1. SPCS WORKING GROUP ON PUBLIC RELATIONS ASPECTS OF CSCE
BEGAN EXAMINATION JUNE 23 OF CANADIAN TEXT WHICH WILL FORM
ANNEX TO MERGER PAPER. CANADIAN TEXT IS BASED ON SECOND PART
OF A MAY 5 CANADIAN PAPER ON CSCE WHICH MISSION POUCHES TO
DEPARTMENT (EUR/RPM FROWICK) AND GENEVA (MARESCA).

2. WORKING GROUP POLISHED CANADIAN TEXT, WHICH IS TRANSMITTED
BELOW. ONLY PROBLEM THAT EMERGED WAS FRENCH REPS STATEMENT
THAT HIS AUTHORITIES HAD NOT YET INSTRUCTED HIM WHETHER HE
COULD SUPPORT CANADIAN TEXT AS A NATO DOCUMENT OR WHETHER
PARIS WOULD INSIST TEXT BE LABELED A CANADIAN NATIONAL CON-
TRIBUTION.

3. COMMENT: TEXT APPEARS TO US A USEFUL REFERENCE DOCUMENT.
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IT WILL BE CONSIDERED AGAIN BY THE WORKING GROUP ON JUNE 26
AND WILL PROBABLY UNDERGO FURTHER CHANGES RESULTING FROM SUGG-
ESTIONS FROM CAPITALS IN LIGHT OF FINAL CSCE TEXTS. BECAUSE
OF LACK OF TIME, ANNEX WILL PROBABLY NOT BE PRESENTED TO NAC

JUNE 27 WHEN COUCNIL WILL CONSIDER MERGER PAPER.

4. ACTION: UNLESS INSTRUCTED TO THE CONTRARY, WE PLAN TO INFORM WORKING GROUP ON JUNE 26 THAT US HAS NO OBJECTIONS TO CANADIAN TEXT AS ANNEX TO MERGER PAPER. IF JUNE 26 DISCUSSION RESULTS IN SIGNIFI ANT CHANGES IN CANADIAN TEXT, MISSION WILL REQUEST FURTHER GUIDANCE.

BEGIN TEXT:

FIRST BASKEDT: PRINCIPLES

1. IT IS QUITE PROBABLE THAT THE SOVIETS AND THEIR FRIENDS MIGHT HAVE INTENDED IN THE BEGINNING TO USE CSCE TO CREATE THE IMPRESSION OF HAVING ESTABLISHED A SPECIAL EUROPEAN BODY OF INTERNATIONAL LAW ADAPTED TO THEIR PURPOSE IN EASTERN EUROPE. CONTRARY TO THE THESIS OF THE EASTERN COUNTRIES, THE MEMBERS OF THE ALLIANCE HAVE ALWAYS REJECTED THE IDEA THAT THE DOCUMENT DRAFTED UNDER THE TITLE DECLARATION SHOULD HAVE A PREEMINENT CHARACTER AS COMPARED TO THE OTHER RESULTS OF THE CONFERENCE. THE DECLARATION OF PRINCIPLES MAKES IT CLEAR THAT THE PARTICIPATING STATES ARE MERELY REAFFIRMING PRINCIPLES TO WHICH THEY HAVE ALREADY SUBSCRIBED IN THE UN CHARTER. EVEN THE USSRS CHERISHED PRINCIPLE OF INVIOABILITY OF FRONTIERS IS REALLY ONLY A SPECIFIC DEDUCTION FROM THE TIME HONORED GENERAL PRINCIPLE ON NON USE OF FORCE AND IS THEREFORE GENERALLY APPLICABLE.

2. IT WAS NOT ONLY POSSIBLE TO PREVENT THE USSR FROM OBTAINING WESTERN BLESSING OF THE STATUS QUO IN EUROPE, BUT TO SECURE APPROVAL OF TEXTS WHICH, IN MANY RESPECTS, PLACE THE USSR ON THE DEFENSIVE. WHEN INTERPRETED HISTORICALLY, AND IN A EUROPEAN CONTEXT, THE PRINCIPLE ON HUMAN REIGHTS AND THERRINCIPLE ON SELF DETERMINATION COULD CONFRONT THE USSR WITH AWKWARD QUESTIONS. MOREOVER, THE DECLARATION OF PRINCIPLES MAKES IT CLEAR THAT THEY ARE NOT TO GUIDE RELATIONS JUST BETWEEN COUNTIRES BELONGING TO DIFFERENT BLOCS, BUT BETWEEN ALL PARTICIPATING STATES. THUS, CONFIDENTIAL

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THE USSR HAS AN OBLIGATION TO RESPECT THE SAME PRINCIPLES IN ITS RELATIONS WITH ITS ALLIES.

FIRST BASKET: CBMS

3. CERTAIN MODEST " CONFIDENC E BUILDING MEASURES" WILL BE AGREED,NOTABLY ADVANCE NOTIFICATION OF MAJOR MILITARY MANEUVERS. WHILE THESE MEASURES LIE WITHIN THE MILITARY FIELD AND ARE EXPRESSED IN MILITARY TERMS, THEY ARE IN FACT POLITICAL IN NATURE; THEY DO NOT IN ANY WAY CURTAIL MILITARY ACTIVITIES OR ADD ANYTHING TO MILITARY INTELLIGENCE. THEY COULD CONTRIBUTE TO GREATER POLITICAL UNDERSTANDING. THE WEST HAD HOPED AT THE OUTSET OF THE CONFERENCE TO HAVE MUCH MORE SUBSTANTIAL RESULTS IN THIS AREA THAN

WILL PROVE POSSIBLE, BUT THE FACT THAT ALL STATES WILL HENCE-
FORTH BE CALLED UPON TO MAKE SOME CONTRIBUTION TO INCREASING
MUTUAL CONFIDENCE IS IN ITSELF A WORTHWHILE IF LIMITED STEP
IN THE PROCESS OF FURTHERING DETENTE. IT IS TO BE HOPED
THAT IN FUTURE YEARS FURTHER STEPS IN THIS DIRECTION WILL BE
POSSIBLE.

BASKET II: GENERAL

4. ECONOMIC ASPECTS OF THE CONFERENCE HAVE PRESENTED SOME
PROBLEMS BECAUSE MANY OF THE SUBJECTS RAISED ARE ALSO BEING
DEALT WITH IN OTHER MULTILATERAL FORA SUCH AS GATT.
SOME IMPORTANT ADVANCES HAVE, HOWEVER, BEEN MADE FOR EXAMPLE IN
PROVISIONS LOOKING TO THE FACILITATING OF CONTACTS AND THE
FLOW OF INFORMATION WHICH REFLECT A GENERAL WESTERN
INTEREST IN BREAKING DOWN BARRIERS. THIS PROCESS MAY BE EASIER
IN AREAS OF ECONOMIC ACTIVITY WHERE THERE ARE PROBABLY
FEWER POLITICAL SENSITIVITIES TO AROUSE THAN, SAY,
UNDER THE HEADING OF HUMAN CONTACTS AND EXCHANGE OF INFOR-
MATION.

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INFO USMISSION GENEVA PRIORITY

C O N F I D E N T I A L SECTION 2 OF 3 USNATO 3401

BASKET II: COMERCIAL EXCHANGES

5. IT IS HPED THAT THIS TEXT WILL BRING ABOUT IMPROVEMENTS
IN THE AREA OF BUSINESS CONTACTS, FACILITIES AND EXCHANGE
OF INFORMATION. ONE OF THE DIFFICULTIES WESTERN FIRMS WISHING
TO CONDUCT BUSINESS IN EASTERN EUROPE AND PARTICULARLY IN THE
USSR HAVE ENCOUNTERED HAS BEEN THE PROBLEM OF ESTABLISHING
APPROPRIATE BUSINESS CONTACTS WHEN TRYING TO MARKET PRODUCTS

FOR THE FIRST TIME, SINCE IN ALL CASES IT IS NECESSARY TO DEAL WITH STATE TRADING AGENCIES. OF PARTICULAR INTEREST FROM THIS POINT OF VIEW ARE THE TEXTUAL REFERENCES INVOLVING UNDERTAKINGS ON THE PART OF PARTICIPATING STATES TO IMPROVE CONDITIONS FOR EXPANDED CONTACTS BETWEEN REPRESENTATIVES OF ENTERPRISES, FIRMS AND BANKS CONCERNED WITH FOREIGN TRADE, AND ALSO BETWEEN "SELLERS AND USERS OF PRODUCTS AND SERVICES". THIS LATTER REFERENCE REPRESENTS AN UNDERTAKING TO PUT THOSE FIRMS WHICH ARE MARKETING PRODUCTS AND SERVICES IN CONTACT WITH USERS OF SUCH PRODUCTS AND SERVICES. SUCH CONTACTS, ACCORDING TO THE TEXT, ARE FOR THE PURPOSE OF " EXAMINING COMMERCIAL POSSIBILITIES, CONCLUDING CONTRACTS, ENSURING THEIR CONFIDENTIAL

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IMPLEMENTATION AND PROVIDING AFTER SALES SERVICE".

6. IN ADDITION TO " CONTACT" PROBLEMS ENCOUNTERED IN DOING BUSINESS IN EASTERN EUROPE, WESTERN FIRMS HAVE OFTEN HAD DIFFICULTY IN " LIFE SUPPORT SYSTEMS" NEEDED TO SUSTAIN THEIR OPERATIONS- I.E., ACCOMMODATION, COMMUNICATION FACILITIES, LEGAL INFORMATION RELATED TO THE ESTABLISHMENT OF PERMANENT OFFICES ETC. THE TEXTS CONTAIN PROVISIONS SEEKING SOME IMPROVEMENTS IN WORKING CONDITIONS OF REPRESENTATIVES OF FOREIGN ORGANIZATIONS, ENTERPRISES, FIRMS AND BANKS IN THESE IMPORTANT AREAS.

7. THE QUESTION OF DOUBLE TAXATION, TRANSFER OF PROFITS AND INVESTMENT RETURN IS ALSO COVERED IN A TEXT WHICH CALLS FOR FAVORABLE CONSIDERATION BEING GIVEN TO CONCLUSION OF BILATERAL AGREEMENTS AIMED AT ARRANGEMENTS IN THESE AREAS.

BASKET II: BUSINESS INFO

8. SEVERAL TEXTS IN THE AREA OF BUSINESS INFORMATION CONTAIN UNDERTAKINGS FOR THE PUBLICATION OF STATISTICAL DATA IN ALL FIELDS. IN THE PAST, SUCH PUBLICATIONS, PARTICULARLY IN ECONOMIC AREAS BELOW MACRO- LEVEL, HAS BEEN RETARDED IN EASTERN EUROPEAN COUNTRIES. IN RELATION TO THE PROVISION OF BUSINESS INFORMATION, THE TEXTS IN QUESTION UNDERTAKE TO PUBLISH AND DISSEMINATE ECONOMIC AND COMMERCIAL INFO " AT REGULAR INTERVALS AND AS QUICKLY AS POSSIBLE". PARTICULARLY: STATISTICS CONCERNING PRODUCTION, NATIONAL INCOME, BUDGET CONCESSIONS AND PRODUCTIVITY; FOREIGN TRADE STATISTICS INCLUDING THE BREAKDOWN BY PRODUCT WITH AN INDICATION OF THE VOLUME AND VALUE AS WELL AS THE COUNTRY OF ORIGIN OR DESTINATION; LAWS AND REGULATIONS CONCERNING FOREIGN TRADE; INFORMATION ALLOWING FORECASTS OF THE DEVELOPMENT OF THE ECONOMY TO ASSIST IN TRADE PROMOTION, FOR EXAMPLE INFORMATION ON THE GENERAL ORIGIN OF NATIONAL ECONOMIC PLANS AND PROGRAMS; OTHER INFORMATION TO HELP BUSINESS MEN IN COMMERCIAL CONTACTS, E.G., PERIODIC DIRECTORIES, LISTS AND WHERE POSSIBLE, ORGANIZATIONAL CHARTS OF FIRMS AND ORGANIZATIONS CONCERNED WITH FOREIGN TRADE.

BASKET II: SETTLEMENT OF COMMERCIAL DISPUTES

9. THIS TEXT, INTER ALIA, RECOMMENDS THE INCLUSION OF ARBITRATION
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CLAUSES IN COMMERCIAL CONTRACTS, INDUSTRIAL COOPERATION CONTRACTS
OR ANY SPECIAL AGREEMENT, AND THAT THE PROVISIONS SHOULD
COVER ARBITRATION UNDER A MUTUALLY ACCEPTABLE SET OF
RULES AND PERMIT ARBITRATION IN A THIRD COUNTRY.

BASKET II: INDUSTRIAL COOPERATION

10. THE OPENING TEXT OF THE INDUSTRIAL COOPERATION PAPER
ACKNOWLEDGES THAT INDUSTRIAL COOPERATION IS " MOTIVATED BY
ECONOMIC CONSIDERATIONS". THIS HAS BEEN INCLUDED IN THE
TEXTS AT WESTERN INSISTENCE IN ORDER TO AVOID THE IMPLICATION
THAT INDUSTRIAL COOPERATION PROJECTS SHOULD BE DEVELOPED FOR
POLITICAL, RATHER THAN ECONOMIC, ENDS.

11. THERE ARE CERTAIN PARALLELS BETWEEN THE TEXTS IN THE
AREA OF INDUSTRIAL COOPERATION AND THOSE IN THE COMMERCIAL
INFORMATION AND BUSINESS CONTACTS AREA; IT IS THUS IN THE
ACCESS TO INFORMATION PROVISIONS THAT THE INDUSTRIAL COOPERATION
TEXTS ARE PARTICULARLY IMPORTANT. FOR EXAMPLE, THERE
IS AN UNDERTAKING TO IMPROVE THE QUALITY AND QUANTITY OF
INFORMATION RELEVANT TO INDUSTRIAL COOPERATION IN A NUMBER OF
AREAS INCLUDING THOSE RELATING TO FOREIGN EXCHANGE, PROGRAM
PRIORITIES, ECONOMIC CONDITIONS OF THE MARKET, AS WELL AS
THE ENCOURAGEMENT OF THE EXCHANGE OF INFORMATION " THROUGH CONTACTS
BETWEEN POTENTIAL PARTNERS". THE TEXTS CONTAIN FURTHER
UNDERTAKINGS IN THE AREA OF INDUSTRIAL COOPERATION BY WAY OF
FACILITATING AND INCREASING ALL FORMS OF BUSINESS CONTACTS
(AIMED AT INDUSTRIAL COOPERATION PROJECTS) BETWEEN " COMPETENT
ORGANIZATIONS, ENTERPRISES AND FIRMS AND BETWEEN THEIR
RESPECTIVE QUALIFIED PERSONNEL".

BASKET II: ENVIRONMENT

12. WE WOULD WISH TO STRESS THE DEVELOPMENT OF COOPERATION
IN THE FIELD OF THE ENVIRONMENT BY " PROMOTING THE PROGRESSIVE
DEVELOPMENT, CODIFICATION AND IMPLEMENTATION OF INTERNATIONAL
LAW...." THE INTERNATIONAL LAW PROVISION CARRIES OVER AT
LEAST SOME OF THE SUBSTANCE OF PRINCIPLES 21 AND 22 OF THE
STOCKHOLM DECLARATION TO CSCE AND COMMITS THE USSR AND OTHER
EASTERN EUROPEAN STATES NOT PRESENT AT STOCKHOLM TO THOSE
PRINCIPLES AND IN GENERAL TO THE NETWORK OF ENVIRONMENTAL
COOPERATION DEVELOPED THERE.
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INFO USMISSION GENEVA PRIORITY

C O N F I D E N T I A L SECTION 3 OF 3 USNATO 3401

THIRD BASKET: HUMAN CONTACTS AND INFORMATION

13. THE CLOSER CONTACT FAVORED BY THE WEST REFERRED ESSENTIALLY TO THE MOVEMENT OF IDEAS AND PEOPLE WHICH WOULD NOT BE EXCLUSIVELY THE RESPONSIBILITY OF GOVERNMENT AGENCIES, BUT WHICH WOULD CORRESPOND TO INDIVIDUAL INITIATIVE. THE TEXTS THAT HAVE EMERGED IN THE TWO AREAS OF HUMAN CONTACTS AND INFORMATION ARE OBVIOUSLY LESS AMBITIOUS AND MORE QUALIFIES THAN WE WISHED ORIGINALLY. HOWEVER, AGREEMENT ON THEM IS NONETHELESS SIGNIFICANT, SINCE IT IS THE FIRST OCCASION WHEN SUCH MATTERS HAVE BEEN DISCUSSED MULTILATERALLY. THE FACT THAT A SUBSTANTIAL PROPORTION OF THE CSCE FINAL DOCUMENT RELATES TO THESE MATTERS SERVES TO UNDERLINE THEIR PRIMARY IMPORTANCE. THESE TEXTS WILL HOPEFULLY ALSO STRENGTHEN THE HAND OF OUR CONSULAR OFFICIALS WHO ARE TRYING TO IMPROVE COOPERATION WITH THE AUTHORITIES IN INDIVIDUAL EASTERN COUNTRIES IN THESE MATTERS.

14. THE TEXTS SHOULD ALSO BE USEFUL IN ESTABLISHING THAT THESE MATTERS SHOULD BE DEALT WITH IN A POSITIVE SPIRIT AND CONFIDENTIAL

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IN URGING MODIFICATION AND IMPREVEMENT OF EXISTING PRACTICES ON THE PART OF EASTERN EUROPEAN OFFICIALDOM. THUS, THE FAMILY REUNIFICATON TEXT BEGINS WITH THE WORKS " PARTICIPATING STATES WILL DEAL IN A POSITIVE AND HUMANITARIAN SPIRIT WITH APPLICATIONS". THE AMOUNT OF DETAIL WHICH FOLLOWS IN EACH CASE GIVES THE TEXTS A SUBSTANTIAL CHARACTER THAT REINFORCES

THEIR MORAL AND POLITICAL FORCES AND CLEARLY IMPLIES THAT STATES ARE EXPECTED TO TAKE CONCRETE STEPS TOWARD THE REALIZATION OF GENERAL GOAL: I E REUNIFICATION OF FAMILIES OR FACILITATING MARRIAGE BETWEEN PARTNERS OF DIFFERENT NATIONALITIES.

THIRD BASKET: EDUCATION AND CULTURE

15. THE FINAL TEXTS ON CULTURE AND EDUCATION CONTAIN A NUMBER OF PROVISIONS POTENTIALLY USEFUL IN THE DEVELOPMENT OF COOPERATION AND CONTACTS AND EXCHANGES IN THOSE TWO FIELDS. OF PARTICULAR INTEREST TO THE WEST, IN THAT CONTEXT, AND WORTHY ACCORDINGLY OF SOME ATTENTION IN THE PRESENTATION OF CSCE RESULTS, ARE THE PROVISIONS FOR DIRECT CONTACTS BETWEEN PERSONS (AND BETWEEN INSTITUTIONS) AS WELL AS MORE GENERALLY THE BROADER DECLARATIONS OF INTENT RELATING TO ACCESS TO, AND DISSEMINATION OF, INFORMATION IN THOSE TWO FIELDS. THUS, UNDER CULTURAL KNOWLEDGE, THE PARTICIPATING STATES WILL HAVE DECLARED THEIR INTENTION TO "ADOPT APPROPRIATE MEASURES WHICH WOULD GIVE THEIR PEOPLES A MORE COMPREHENSIVE AND COMPLETE MUTUAL KNOWLEDGE OF THEIR ACHIEVEMENTS IN THE VARIOUS FIELDS OF CULTURE". SIMILARLY, UNDER ACCESS, THE PARTICIPATING STATES WILL HAVE STATED THEIR INTENTION TO "PROMOTE FULLER MUTUAL ACCESS BY ALL TO THE ACHIEVEMENTS IN WORKS, EXPERIENCES AND PERFORMING ARTS- IN THE VARIOUS FIELDS OF CULTURE".

16. REGARDING EDUCATION, SIMILAR STATEMENTS OF INTENTION CAN BE FOUND. WITHOUT MINIMIZING THE IMPORTANCE OF MORE SPECIFIC PROVISIONS WHICH SET OUT SOME OF THE MEANS BY WHICH THESE DECLARED INTENTIONS ARE TO BE IMPLEMENTED, THESE BROADER COMMITMENTS REFLECTING THE MAIN AIMS OF BASKET III REPRESENT WHAT MAY BE (IF ONLY FOR THE PURPOSES OF PRESENTATION) THE MORE CONSPICUOUS WESTERN ACHIEVEMENTS.

17. ALSO OF INTEREST TO THE WEST, AS ALREADY MENTIONED, ARE CONFIDENTIAL

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PROVISIONS RELATING TO PERSONAL CONTACTS. WHILE, THE SECTION ON CONTACTS IN CULTURE IS STILL UNDER NEGOTIATION, THE TEXTS ON CULTURE AND ON EDUCATION INCLUDE A NUMBER OF OTHER VALUABLE REFERENCES ON THAT SUBJECT. THUS, ON CULTURE, THE PARTICIPATING STATES WILL HAVE COMMITTED THEMSELVES TO "ENCOURAGING DIRECT CONTACTS AND COMMUNICATIONS AMONG PERSONS IN CULTURAL ACTIVITIES"; AS ON EDUCATION TO "ENCOURAGING AMONG PERSONS ENGAGED IN EDUCATION AND SCIENCE DIRECT CONTACTS AND COMMUNICATIONS".

18. THESE, THEN, ARE SOME OF THE MORE SIGNIFICANT PROVISIONS THAT WILL FORM A BASIS FOR INCREASED COOPERATION WITH AND ON THE PART OF THE EAST IN THE FIELDS OF CULTURE AND EDUCATION. IN THE CONTEXT OF OUR POLICIES WITH THE EAST, THESE TEXTS SHOULD BE A USEFUL INSTRUMENT IN THE DEVELOPMENT OF WIDER

RELATIONS WITH EASTERN COUNTRIES ON THE BROAD RANGE OF
CULTURAL AND EDUCATIONAL MATTERS. END TEXT. BRUCE

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